UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,644	12/29/2003	Guy Pardon	FRELP-048-DV-P1801US/DIV	1643

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EXAMINER
LOVEL, KIMBERLY M

ART UNIT	PAPER NUMBER
2167	

NOTIFICATION DATE	DELIVERY MODE
03/18/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket-oppedahl@oppedahl.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 January 2010</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>6-13,15,16,18,20 and 23-37</u> is/are pending in the application.

    4a) Of the above claim(s) <u>6-13,15,16,18 and 20</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>23-37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 6-13, 15, 16, 18, 20 and 23-37 are currently pending, of the above

claims 6-13, 15, 16, 18 and 20 are withdrawn from consideration.

Election/Restrictions

2.   Applicant's election of Group V in the reply filed on 4 January 2010 is

acknowledged. Because applicant did not distinctly and specifically point out the

supposed errors in the restriction requirement and claims 23-37 are being

examined, the election has been treated as an election without traverse (MPEP

§ 818.03(a)).

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114,

and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the

previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 20 September 2009 has been entered.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

5.   **Claims 23-37 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over US No 7,290,056 to McLaughlin in view of US Patent No

6,233,585 to Gupta et al (hereafter Gupta).

        Referring to claim 23, McLaughlin discloses a computerized data

management system, referred to as transactional service, wherein the

transactional service is executed on a local server, comprising:

        one or more operations that can be invoked by remote clients (see column

24, lines 10-39); Some or all such remote clients having one or more associated

transaction contexts (see column 16, lines 18-55); and remote servers and local

server executing transactions (see column 18, line 66 – column 19, line 30).

        However, McLaughlin fails to explicitly disclose the further limitations.

Gupta et al discloses a transaction system (see abstract), including the further

limitations of an invocation of the service by a remote client also containing

partial or complete information indicating or containing said client's transaction

context or contexts (see column 8, lines 10-51); an invocation of the service, by a

remote client, of an operation leading to a new transaction different from, but

possibly related to, any existing client transaction (see column 5, lines 16-19);

such an operation-level transaction being committed before the client transaction

context is terminated before globalCommit notification (see column 12, lines 28-

57); the transactional service locally maintaining an undo operation for such a

committed operation (see column 6, lines 12-20); and a failing or failed remote

client transaction context leading to the execution of the locally maintained of the

undo operations of the corresponding committed invocations in the transactional

service (see column 7, lines 42-46) in order to provide recoverability.

It would have been obvious to one of ordinary skill in the art at the time of

the invention to use the feature of undo operations as disclosed by Gupta et al

with the management system of McLaughlin. One would have been motivated to

do so in order to provide recoverability.

Referring to claim 24, McLaughlin/Gupta discloses the system of claim

23 where some or all undo operations are executed in an order that is the

reverse of an order of their original counterparts (Gupta et al: see column 9, line

66 – column 10, line 2 – rollback is considered to represent undo; first-in-last-out

is considered to represent reverse order).

Referring to claim 25, McLaughlin/Gupta discloses the system of claim

23 where in addition the undo operations are chosen or defined in the same

system as the one where corresponding normal operations were executed

(Gupta et al: see column 12, lines 46-56).

Referring to claim 26, McLaughlin/Gupta discloses the system of claim

23 where some or all undo operations are unknown to the transactional context

of a remote client (Gupta et al: see column 12, lines 11-12).

Referring to claim 27, McLaughlin/Gupta discloses the system of claim 23 where some or all undo operations are executed after a timeout and independent of whether the client's transaction context outcome requires such undo (Gupta et al: see column 12, lines 11-12).

Referring to claim 28, McLaughlin/Gupta discloses the system of claim 23 wherein an undo operation with respect to an original operation, where an undo operation's effects are confined to data managed by the service on which the undo operation is maintained, even if the respective original operation involved other services (Gupta et al: see column 12, lines 45-56).

Referring to claim 29, McLaughlin/Gupta discloses the system of claim 23 where the service keeps locks on transactions to ensure that undo operations can be executed correctly (Gupta et al: see column 9, lines 19-21).

Referring to claim 30, McLaughlin/Gupta discloses the system of claim 23 where client context-related information is also part of any global commit message exchanges (Gupta et al: see column 10, lines 4-7).

Referring to claim 31, McLaughlin/Gupta discloses the system of claim 23 where client context information includes application-specific data (Gupta et al: see column 10, lines 4-7 – the context relates to the transaction which is considered to be application-specific).

Referring to claim 32, McLaughlin/Gupta discloses system of claim 31 where all or part of the context information is logged, by storing on persistent storage, and retrievable by a human. Administrator (Gupta et al: see column 8, lines 11-14).

Referring to claim 33, McLaughlin/Gupta discloses system of claim 23 where the service accepts messages indicative of which previously committed operations have to be undone (Gupta et al: see column 11, lines 1-7).

Referring to claim 34, McLaughlin/Gupta discloses system of claim 23 where the service accepts messages indicative of which previously committed operations do not have to be undone (Gupta et al: see column 11, lines 1-7).

Referring to claim 35, McLaughlin/Gupta discloses the system of claim 23 where some or all invocations are message-based or asynchronous (Gupta et al: see column 3, lines 1-4).

Referring to claim 36, McLaughlin/Gupta discloses system of claim 23 where some or all invocations are synchronous (Gupta et al: see column 3, lines 1-4).

Referring to claim 37, McLaughlin/Gupta discloses system of claim 23 where the client can request the undo executions of its invocations at the service while still allowing globalCommit (Gupta et al: see column 12, lines 28-56).

Response to Arguments

6.   Applicant's arguments with respect to claims 23-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- US Patent No 6,640,244 to Bowman-Amuah

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY LOVEL whose telephone number is (571)272-2750. The examiner can normally be reached on 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John R. Cottingham/   /Kimberly Lovel/
Supervisory Patent Examiner, Art Unit 2167   Examiner
                                                                            Art Unit 2167

13 March 2010
/KL/